

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JENNIFER ANNE JENSEN,

Plaintiff,

v.

Case No. 08-10534

THE HARTFORD INSURANCE COMPANY and
the ESTATE OF LAWRENCE OTTO BISCHOF,

Honorable Arthur J. Tarnow

Defendants.

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ORDER ACCEPTING RESPONSE TO SHOW-CAUSE ORDER

Before the Court is defendant Hartford's response to this court's order to show cause why the case should not be remanded.

The court is satisfied that *Kerrigan's Estate v. Joseph E. Seagram & Sons, Inc., et al.*, 199 F.2d 694, 696-97 (3d Cir. 1952) provides a basis for jurisdiction over Hartford Insurance's counterclaim, crossclaim, and third-party claim for interpleader. In federal court, the *Kerrigan* plaintiff-claimant sued defendant-stakeholders as well as another defendant-claimant. Because the rival claimants shared citizenship, at first glance diversity jurisdiction did not appear to lie. However, the Third Circuit did not dismiss the case. Rather, it treated the complaint as one for interpleader brought by the stakeholders. *See id.* at 696 ("this can be construed to turn the action against [the stakeholders] into one in the nature of interpleader"). In that vein, there was complete diversity between the stakeholders as constructive plaintiffs and the claimants as constructive defendants. *Id.* at 696-97 (allowing parties to "shift this particular lawsuit around so that an original defendant [stakeholder] . . . becomes a plaintiff in an interpleader action").

Similarly, in Jensen's case, removal jurisdiction would not appear to lie, because Lawrence's estate is a citizen of the forum state. Nevertheless, the court will regard Hartford as a constructive plaintiff and the claimants as constructive defendants. With this realignment, there is complete diversity between the stakeholder on the one side and the claimants on the other.

Therefore, Hartford's response to the show-cause order is ACCEPTED.

SO ORDERED.

S/ARTHUR J. TARNOW

Arthur J. Tarnow
United States District Judge

Dated: June 9, 2008

I hereby certify that a copy of the foregoing document was served upon counsel of record on June 9, 2008, by electronic and/or ordinary mail.

S/THERESA E. TAYLOR

Case Manager